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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,571	07/26/2002	B. Gene Cawlfeld	P-B021	3236
26399	7590	12/15/2004		
THE LAW OFFICES OF H. DENNIS KELLY 2401 TURTLE CREEK DALLAS, TX 75219				
			EXAMINER MARKOFF, ALEXANDER	
			ART UNIT 1746	PAPER NUMBER

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,571	Applicant(s) CAWLFIELD, B. GENE	
	Examiner Alexander Markoff	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/25/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13-20, 23-27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen et al (US Patent NO 6,726,848).

Hansen et al teach an apparatus and method as claimed. See entire document, especially description of the first and third embodiments, Figures 1a-d, 2a-c, 3a-b, 5 and 8, columns 3-23.

Hansen et al teach an apparatus and a method utilizing moving megasonically energized interface and disclose the same method steps and apparatus means as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al.

Hansen et al teaches an apparatus as claimed except for specific recitation of level switches and an automatic process controller, connected to the switches.

Hansen et al, however, teach a controller, which controls all the operations, such as related to measurement and injection of fluids, vapors, gasses, etc. It would have been obvious to an ordinary artisan at the time the invention was made that the apparatus of Hansen et al is provided with level sensors to enable operation of the apparatus. On the other hand, it would have been obvious to an ordinary artisan at the time the invention was made to provide apparatus of Hansen et al with any conventional sensors to enable automatic control of the apparatus by the disclosed controller.

6. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al in view of Bergman (US Patent NO 6,192,600).

Hansen et al teach a method as claimed except for recitation of not moving the substrate during the treatment steps (C) and (D).

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Hansen et al teach moving the substrate through the energized interface.

However, moving the substrate and moving the liquid to contact the substrate with an energized interface were known alternatives in the art of cleaning semiconductor wafers as evidenced by Bergman. See at least Figures 2, 4, 6-8 and the related description.

It would have been obvious to an ordinary artisan at the time the invention was made to move the energized interface by moving the level of liquid in the method of Hansen et al relative to unmoving substrate in order to contact the substrate with the interface with reasonable expectation of success in order to reduce probability of contamination and substrate damage due to avoiding of the use of moving mechanical parts because Bergman teaches moving the liquid to contact the substrate with an energized interface as alternative to moving the substrate.

Allowable Subject Matter

7. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest to introduce in the method of Hansen et al a drying process as claimed. Hansen et al teach a different drying approach and it would not be obvious to an ordinary artisan to introduce such complicated drying procedure as claimed in the method of Hansen et al.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EP 0905747 and US Patents 6,491,764, 5,601,655, 6,770,151 and 6,383,304 are cited to show the state of the prior art with respect to processing substrates utilizing energized gas liquid interface.

US Patent No 5,857,474 is cited to show that it was known to use frozen liquid to clean semiconductor wafers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Markoff
Primary Examiner
Art Unit 1746

AM

ALEXANDER MARKOFF
PRIMARY EXAMINER